



# Ash Canyon Bed & Breakfast

December 11, 2010

Dear Neighbors,

I am applying to Cochise County for a Special Use Permit (**Zoning Regulation 607.31: Cultural, historic and nature exhibits**) to allow people other than my B&B guests to come into my yard to watch birds. You are being contacted because you own property that is within 1500 feet of my property.

Description of the project: There are two (2) bird feeding areas immediately adjacent to my residence: 1.) Approximately 30' from the south wall of my house is a large mesquite tree with nine hummingbird feeders hung in it. 2.) About 15' from the west wall of the house is an area of about 40' x 30' where multiple bird feeders of various types are hung. There is also a water drip within this area. There are lawn chairs in both areas so that people can sit to watch the birds coming to the feeders. Enclosed is my brochure with a map showing the location of my property. All traffic coming here would turn from Highway 92 onto Turkey Track Road, and continue to my property on Spring Road. They would exit the same way.

As many of you know, I have a one-unit bed & breakfast rental, for which the permit was granted in 2003. In order to supplement the small and very seasonal income from the B&B, I have been allowing birders to come here to watch the birds. I ask that they pay an admission of \$5 per person. If the permit is granted, I have no plans to change the feeding station as it now exists. This letter is just a formality to satisfy the requirements for obtaining the permit.

I invite your comments on this matter. I am requesting that, if possible, you submit your comments to me by Wednesday, December 22, so that I may present the application and any comments that I receive to the county by Friday, December 24<sup>th</sup> so that it may be considered by the Planning & Zoning Commission at their scheduled hearing on Wednesday, February 9, 2011. If you have comments or questions about any aspect of this, you may submit them to me by mail, phone, or e-mail.

If you would like to see the feeding station, please call me to schedule a tour and answer any questions you have.

Thank you.

Sincerely,



Mary Jo Ballator  
5255 E. Spring Road  
Hereford, AZ 85615-9029  
520-378-0773  
[2mjb@mindspring.com](mailto:2mjb@mindspring.com)

Public Review Process Phone Log for Special Use Permit for Birding at Ash Canyon B&B

| Date        | Name                        | Address             | Comments   |
|-------------|-----------------------------|---------------------|--|
| 14-Dec-2010 | Corke, Peter J.<br>378-1903 | S. Turkey Track Rd. | 5:00 p.m.: "I don't have any objection. It doesn't impact me at all."<br>Also mentioned that he would like to see Turkey Track Road paved, as he has show cars that get dusty even when garaged.   |
| 15-Dec-2010 | Regueiro, Bill<br>378-1346  | S. Turkey Track Rd. | 8:29 a.m.: "We have no objection."   |
| 15-Dec-2010 | Chapman, Jack<br>378-3650   | Ash Canyon Rd.      | 8:?? a.m.: He is writing a letter in support of the project. Went on to discuss various aspects of the permit.   |
| 15-Dec-2010 | Chapman, Jack<br>378-3650   | Ash Canyon Rd.      | 7:52 p.m.: Discussed issues of parking on neighbor's land, and tour bus parking. Suggest the need for written MOU from Peterson's regarding parking on their property. Mentioned not sure his wife would sign letter in support, as she had been talking to neighbors. |
|             |                             |                     |  |
|             |                             |                     |  |
|             |                             |                     |  |

December 27, 2010

Mr. Keith Dennis  
Cochise County Planning Department  
1410 Melody Lane  
Bisbee, AZ 85603

Dear Mr. Dennis:

As a resident living on Turkey Track Road (Parcel # 104-21-002A 6), I would like to pass on my thoughts regarding Ms. Mary Jo Ballator's application for a Special Use Permit (Zoning Regulation 607.31: Cultural, Historic, and Nature Exhibits) to permit the public to view birds at her residence. I have always believed that a person should be allowed to do as they wish on their own property, but only to the point that it does not affect the neighbors' well being and that it does not violate County Regulations. I also believe that the permit should be obtained before the act is accomplished. I would appreciate some feedback on the following:

- 1) It bothers me when I see a vehicle driving down Turkey Track Road at a high rate of speed, not aware that we residents know to go slowly to avoid hitting one of the deer, or turkeys, or other wildlife, or pedestrians. The vehicles stir up dust that ultimately ends up in my lungs or my house. My husband, Donald Schoen, has tried to maintain Turkey Track Road between county maintenance visits, and he works a little on Spring Road, but with the increased traffic it has become harder to do, and only the Lord knows how much longer he will be able to do what he does. The reason many of us moved out here was because of the tranquility of the area.
- 2) Turkey Track Road, a county-maintained road, was still designed for cars and pickups of the residents, their guests, and the maintenance and utility company vehicles. There was never any intent that it would be used for motorhomes except in the rare occasion that a resident would come in or out. And then, of course, there is Spring Road that is definitely too narrow for motorhomes and tour buses. Is the county planning to take over Spring Road? It is not a public road; it is just at 15-foot easement for the residents.
- 3) We had a large motorhome come onto our property awhile back looking for the "Birdwatching" place. In order for her to not destroy a couple of our trees as she was getting ready to back into them, we had to open a private gate and she drove through the Huachuca Oaks Camp to get out. As I understand it, a tree out here is valued at \$10,000. I am assuming Ms. Ballator's liability insurance will cover it if one of her guests gets lost on our property and knocks down a tree?
- 4) Where will they park? Where will they turn around? Will the parking lot be paved?
- 5) What are the state minimum requirements for restroom facilities for birdwatchers? I am assuming the health department will assure there are adequate facilities before a permit would be denied or issued?

Thank you,

*Donald L. Schoen / Laura F. Schoen*  
Donald and Laura Schoen

9616 S. Turkey Track Road, Hereford, AZ, 85615, 520-378-6376/520-234-4095,  
caseysgma@q.com

COCHISE COUNTY

DEC 30 2010

PLANNING

H

December 21, 2010

Ash Canyon Bed & Breakfast  
5255 E. Spring Road  
Hereford, AZ 85615

Dear Mary Jo Ballator,

We are responding to your letter in reference to permit Bird Watching on your property.

As neighbors, we feel that if the Planning and Zoning Department should approve your request to increase traffic on this road, they should also approve our request to at least Chip and Seal Turkey Track Road. As you know our neighbor, Mr. Don Schoen spends so much of his personal time, and with his tractor, trying to keep this road maintained because of the already high traffic it receives.


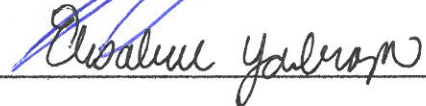
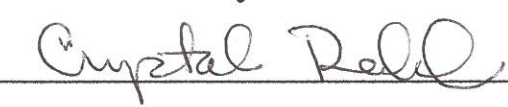
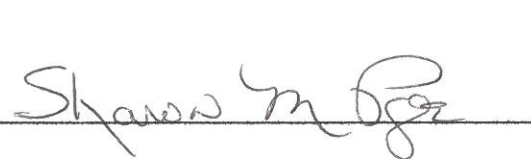
Respectfully Submitted,

Gayland Yarbrough  
5300 E. Brushy Oak

Elisabeth Yarbrough  
5300 E. Brushy Oak

Crystal Redd  
5382 E. Brushy Oak

Sharon M. Page  
5300 E. Brushy Oak

December 19, 2010

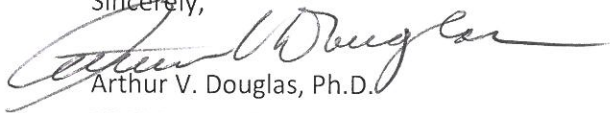
Mr. Keith Dennis  
Cochise County Planning and Zoning Department  
1415 Melody Lane #E  
Bisbee, Arizona 85603-3037

Dear Mr. Dennis:

Attached is my response to Ms. Mary Jo Ballator's letter indicating her plan to apply for a special use permit on her property (parcel 104-21-022). The special use permit she is applying for is 607.31 (Cultural, historic and nature exhibits). I am not sure what her statement implies "This letter is just a formality to satisfy the requirements for obtaining the permit" The brief letter from her really does not address major concerns regarding the proposed permit but a number of these concerns are now brought up in my response letter to her and copied to you. A number of phone calls to your office last week left me with the impression that at this stage of the process the only person I was to raise questions with was Ms. Ballator and not your office. It would seem that a detailed site plan with an impact statement would be required before any permit application could be successfully submitted.

Ms. Ballator has been a very good neighbor as indicated in my letter to her, but my concerns are beyond those of just being good neighbors. Protection of the environment within this residential community is important and it is within the framework of the planning department to make sure residential areas are protected from encroachment and that legal matters regarding private roads and adjacent properties are not adversely affected by potential land use changes.

Sincerely,



Arthur V. Douglas, Ph.D.  
5242 East Spring Road  
Hereford, Arizona 85615

COCHISE COUNTY  
DEC 21 2010  
PLANNING

H

December 19, 2010

Dear Mary Jo,

I submit to you this letter after a long period of reflection on the implications of your proposed application to have your property classified under a Special Use Permit (Zoning Regulation 607.31: Cultural, historic and nature exhibits). If this had been a letter written in support of your bed and breakfast permit I would have been very enthusiastic to do so. Allowing a family to stay in a secluded location in a bed a breakfast setting allows for a valuable experience that one carries with them for a lifetime. At the same time a bed and breakfast setting does very little to upset a residential setting where families have chosen to be secluded on 2-20 acre parcels in the middle of "nature". Our taxes on canyon land parcels reflect the cost of this special setting that we live in.

A permit to allow the public direct access without control of visitor numbers turns the residential setting into a commercial setting which I never anticipated would happen when I bought my property in the early 1990s. Developing your property into a broader public access birding site also diminishes the quiet and secluded nature of your bed and breakfast "casita" which charges \$140 to be in this natural setting. When I took my proposed offer on my land to our family lawyer he indicated that given the zoning and status of the other properties within the area and the private road status granting ingress and regress to residents only that barring a code change the area should remain strictly residential without farther development (utility companies also had road access rights granted for access to equipment). Your proposal now deviates from the original setting of this neighborhood.

It is very understandable that birders to southern Arizona would like multiple sites to view the bird fauna of the region. But the question is should this infringe on a residential neighborhood which has prided itself on its isolated and quiet setting? Allowing large number of birders into the area with associated noise also threatens to disperse more shy birds such as the Elegant Trogon, Montezuma's Quail and a number of rare owls and hawks. From my house I can clearly hear car doors shut, people talk and laugh and cars starting up and taking off. From a nature setting point of view, this detracts from this special land that we have purchased and chosen to live on.

Entrance to both of our houses is along Spring Road which is not maintained by the county and which is a single lane road with ingress and regress right-of-ways. The road is not designed for public use and cars have to wait at either end of the road in order to let the flow of traffic through. During peak birding periods in the spring and late summer this road carries a lot of traffic up to your birding spot, with easily 10-20 cars per day and probably higher during rare bird sightings. Thus your opening up of your yard to public access creates excess traffic with wear-and-tear on the road. Road improvements should not be

H

at the expense of the other residents along the road who would end up constituting a small percentage of the road traffic. Given our current dry spell it is also obvious that the traffic induces a dust problem which affects the vegetation and leads to allergy problems (I for one have dust allergies and they have been bad the past month!).

While you proceed with your application process with the County Planning Department I think the following points need to be raised and clarified before any plan can even be considered:

1. Is it legal to open up a private road (Spring Road) to public ingress and regress?
2. Do the two 7.5 foot easements really provide for an acceptable entrance and exit route for both the public and residents, especially relative to large vans and school buses full of birders which can slow or at times stop traffic?
3. Who should bear the brunt of maintaining the road which clearly is marked as not being maintained by the county? The birding visitors can easily increase road traffic by tenfold during peak times (if not higher).
4. What are the liabilities that you have per the public entering private property surrounding your home, including the road itself? Will you carry insurance to cover accidents on nearby property associated with the public wondering onto that property? Or are the nearby neighbors now left with the burden to increase their liability insurance due to a public site being opened up adjacent to their residential property?
5. What is the proposed plan for parking and turn around space? Currently the parking and turn around space is not on your property. What if the Peterson property was sold and the new owners did not allow the use of their land for parking and turning around of public vehicles?
6. As a public area what type of toilet facilities are going to be available? Given that the peak birding season has seen a large number of birding tours visiting your home, individuals in the tour do not have the luxury of getting in their own car and driving 4 miles to the closest public restrooms (i.e. Nicksville gas station and restaurants).
7. Birders like viewing early in the morning and at sunset, but is this compatible with a residential area where 9-5 might be a period that causes the least amount of disturbance.
8. If a special use permit under zoning regulation 607.31 were to be considered, what is the life time for such a permit? Is the permit required to be renewed on a given schedule or is the permit permanent and grandfathered into the property? If the latter is true this enhances the sell ability of the property relative to cash flow but it also potentially reduces the desirability of surrounding property.

As I indicated in the first part of this letter, I would have gladly supported your application for a bed and breakfast had a request been sent to me. The bed and breakfast experience is valuable that is unobtrusive to a residential setting. But when a nearby residence is opened up to the public it detracts

from the ambiance of the residential setting and it lowers the quality of everyday life for the neighbors. While access to a public source of income is very desirable to you, it has no value to your neighbors and I hope you can understand that. We already have a number of public access sites within the area (Ramsey Canyon, The Coronado National Forest canyon access sites, Coronado Memorial, San Pedro Riparian area etc.).

You have been a good neighbor for almost 20 years. You have been considerate in terms of trying to keep the birders in a confined area and you have tried to stop them from wondering down our private road or onto my property. I really appreciate this respect that you have shown. I have no problem with a bed and breakfast near my house with a few outside birders dropping your house by appointment. But when a site becomes public there are a lot of legal and ethical problems that arise and thus, a residential area should remain residential to protect the rights of everyone.

Respectfully,



Art Douglas  
5242 East Spring Road  
Hereford, Arizona 85615  
Parcel 104-21-020 9

cc. Keith Dennis

Cochise County Planning and Zoning Department  
1415 Melody Lane #E  
Bisbee, Arizona 85603-3037

H

15 DEC 2010

TO: COCHISE COUNTY PLANNING & ZONING  
COMMISSION.

RE: APPLICATION FOR SPECIAL USE PERMIT FOR  
CULTURAL, HISTORIC AND NATURE EXHIBITS  
(ZONING REGULATION 607.31) ON PARCEL  
104-21-022.

1. WE OWN PARCEL 104-21-023 B6 IN  
THE VICINITY OF THE APPLICANT.

2. SINCE THE OFF-SITE IMPACT OF THE  
PROPOSED LAND USE APPEARS MINIMAL,  
WE SUPPORT THE APPLICATION; ON CONDITION,  
THAT SUFFICIENT PARKING IS PROVIDED ON APPLICANT'S  
PROPERTY AND NOT ON NEIGHBOR'S PROPERTY.

John L. Chapman  
JOHN L. CHAPMAN

Florence A. Chapman  
FLORENCE A. CHAPMAN

CY FURN:  
✓ COCHISE COUNTY  
PLANNING DEPT,  
ATTN: KEITH DENNIS  
✓ AND APPLICANT.  
JOHN L CHAPMAN  
9995 DEER TRAIL  
HEREFORD AZ 85615

COCHISE COUNTY

DEC 20 2010

PLANNING

H

**Shireen Truitt  
9787 Turkey Track  
Hereford, Az 85615**

Ash Canyon Bed & Breakfast  
Mary Jo Ballator  
5255 E. Spring Road  
Hereford, Az 85615

Dec 21<sup>th</sup> 2010

To Mary Jo Ballator,

I am writing in reference to the Special Use Permit that you are applying for allowing people access to your property for bird watching activities.

To access Spring Road people have to drive down Turkey Track Road which is a barely maintained dirt road. I have lived on Turkey Track for ten years and have noticed a significant increase in traffic over the past several years that I attribute to your business known as Ash Canyon Bed & Breakfast. I personally have witnessed as many as four vehicles heading in your direction, including two white six - eighth passenger vans. Only one house has been built on Turkey Track since 2000, an increase in traffic is not due to more residents.

My property is located to the east of Turkey Track and as prevailing winds come from the west, my house is continually in the path of clouds of dust from the road every time there is a passing vehicle. Having allergy issues I constantly clean dust inside my home and run three large room air cleaners 24/7.

Even although planning and zoning more or less told me that you have been allowing people to access your property for bird watching with no permit up until now, I feel that with a permit, traffic will increase due to advertising and other activity geared towards increasing revenues. My concern is the wear and tear on the road itself, the road will certainly suffer if an increase in traffic is allowed.

I also question your claim of operating a "one unit bed and breakfast rental", I may be wrong, but if memory serves me, your website used to advertise two or three casitas available. I have no personal vendetta against you, nor do I have anything against anyone trying to make a living, but in this case I feel that it is not appropriate to allow any excess unnecessary traffic on a dirt road.

Thank You for this consideration.



Shireen Truitt

H

9956 S. Deer Trail  
Hereford, AZ 85615  
Dec. 17, 2010

Mr. Keith Dennis  
Cochise County Planning Department  
1410 Melody Lane  
Bisbee, AZ 85603

I am writing in reference to Ms. Ballator's application for a Special Use Permit (Zoning Regulation 607.31: Cultural, Historic, and Nature Exhibits) to permit the public to view birds at her residence.

I, Larry Kastens, parcels 104-21-017 and 104-21-018, am opposed to the issuance of the special use permit for the following reasons:

1. The tranquil setting among the trees will be disturbed by the numerous vehicles which will stir up dust and disrupt one's paradise.
2. There is not a sufficient amount of parking space to accommodate the constant traffic which has included bus loads of birders.
3. Her present arrangement of having the guests park on the property of a neighbor is unacceptable. (I maintain the property on which the vehicles are parked. Last year a stone was hurled from my mower and broke the driver's side window of one of the vehicles of her guests. Even though the vehicle was parked on the neighbor's property, she absolved herself of responsibility.)
4. There are no public restrooms at the residence and even if they are provided, the septic system was designed for a single family.

Sincerely,

*Larry Kastens*

Larry Kastens

COCHISE COUNTY  
DEC 20 2010  
PLANNING

H

# SPECIAL USE: Docket SU-11-01 (Ballator)

X YES, I SUPPORT THIS REQUEST

Please state your reasons:

ON CONDITION THAT ALL  
PARKING BY THE PUBLIC BE ON  
SUBJECT PARCEL ONLY; OTHERWISE,  
OFF-SITE IMPACTS APPEAR TO BE  
MINIMAL.

\_\_\_\_ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

JOHN L. CHAPMAN FLORENCE A. CHAPMAN

SIGNATURE(S):

John L. Chapman Florence A. Chapman

YOUR TAX PARCEL NUMBER: 104-21-023 B (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 9995 DEER TRAIL, HEREFORD AZ 85615-9693

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

COCHISE COUNTY

JAN 24 2011

PLANNING

H

# SPECIAL USE: Docket SU-11-01 (Ballator)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

*This brings a nice element  
to the area. Birding -*

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Anne Lee Cooper*

SIGNATURE(S):

*Anne Lee Cooper*

YOUR TAX PARCEL NUMBER:

*104-20-015*

(the eight-digit identification number found on the tax statement

from the Assessor's Office)

YOUR ADDRESS

*4958 E GREEN OAK Lane, Needford, AZ 85615*

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: [kdennis@cochise.az.gov](mailto:kdennis@cochise.az.gov)

Fax: (520) 432-9278

COCHISE COUNTY

JAN 20 2011

PLANNING

H

# SPECIAL USE: Docket SU-11-01 (Ballator)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons: No damage to the land or forest

No loud noise.

If they use it now, might as well make  
it legal.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

PETER J. CORKE

SHIRLEY A. CORKE Received

8 Nov 2010

SIGNATURE(S):

Peter J. Corke

YOUR TAX PARCEL NUMBER:

104-21-005 6

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

9674 TURKEY TRACK RD, HEREFORD, AZ 85615-9692

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

JAN 20 2011

PLANNING

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

H

January 25, 2011

COCHISE COUNTY

JAN 27 2011

PLANNING

Mr. Keith Dennis  
Cochise County Planning and Zoning Department  
1415 Melody Lane #E  
Bisbee, Arizona 85603-3037

Re: Docket SU-11-01 Request by Mary Jo Ballator for Special Use Authorization for Cultural, Nature of Historic Exhibit at her property per section 607.31 of the Zoning Regulations.

Mr. Keith Dennis:

A Special Use Authorization to allow and encourage the public direct access to Ms. Ballator's property without control of visitor numbers turns our residential setting into a commercial setting which I never anticipated would happen when I bought my property from family friends in the early 1990s. Developing the Ballator property into a broader public-access birding site also diminishes the quiet and secluded nature of this natural setting. When I took my proposed offer on my land to our family lawyer he indicated that given the zoning and status of the other properties within the area and the private road status granting ingress and regress to residents only, that barring a code change, the area should remain strictly residential without farther development.

It is very understandable that birders to southern Arizona would like multiple sites to view the bird fauna of the region. But the question is should this infringe on a residential neighborhood which has prided itself on its isolated and quiet setting? Allowing a large number of birders into the area with associated traffic noise also threatens to disperse more shy birds such as the Elegant Trogon, Montezuma's Quail and a number of rare owls and hawks. From my house I can clearly hear the car doors of birders being shut, people talking and laughing and cars starting up and taking off or beeping from automatic door locks being engaged. This area is zoned for each house to be located on one or more acres, but allowing large numbers of visitors to come into the neighborhood would cancel any advantage this current zoning has in keeping the area peaceful and secluded.

Entrance to the bed and breakfast and birding area is along Spring Road which is not maintained by the county and which is a single lane road with ingress and regress right-of-ways for the residents and utility company. The road is not designed for public use and cars have to wait at either end of the road approaching our properties in order to let the flow of traffic through. During peak birding periods in the spring and late summer this road carries a lot of traffic up to the Ballator birding area, with easily 10-20

H

cars per day and probably higher during rare bird sightings. Thus the opening up of the property to direct public access creates excess traffic with wear-and-tear on the road. Road improvements should not be at the expense of the other residents along the road who would end up constituting a small percentage of the road traffic relative to the traffic from birders. Dust development is directly related to the amount of traffic a road receives and it has become obvious that the birder traffic induces a dust problem which affects the vegetation and leads to allergy problems.

Per the request by Mary Jo Ballator to have her property zoned

1. Is it legal to open up a private road (i.e. Spring Road) to public ingress and regress?
2. Do the two 7.5 foot easements really provide for an acceptable entrance and exit route for both the public and residents, especially relative to large vans and school buses full of birders which can slow or at times stop traffic? This will be a bigger problem in 2011 because the traffic turn-around area owned by neighbors is no longer available for birders (see #5 for detail).
3. Who should bear the brunt of maintaining the road which clearly is marked as not being maintained by the county? The birding visitors can easily increase road traffic by tenfold during peak times (if not higher). This increases dust and noise pollution.
4. What are the liabilities per the public entering private property surrounding the birding area, including the private road itself? Will insurance be carried by the person issued the permit to cover accidents on nearby property associated with the public wondering onto that property? Or are the nearby neighbors now left with the burden to increase their liability insurance due to a public site being opened up adjacent to their residential property?
5. The main area which provided parking for birders in the past was on an adjacent property owned by the Petersons. They have now ended their agreement granting permission to Ms. Ballator for bird watchers to park on their property. In a recent letter I received from Ms. Ballator she indicated that spots for 7 cars would be made available on her property after the removal of some mesquites, but given the heavy demand periods as seen last summer, especially during the Wings Festival, 7 slots would not be sufficient. This raises questions on how traffic and parking control could ever be maintained. With the loss of the parking space across from Ms. Ballator's property, it would no longer be feasible for large busses or vans to turn around in the area.
6. As a public area what type of toilet facilities are going to be available? Given that the peak birding season has seen a large number of birding tours visiting your home, individuals in the tour do not have the luxury of getting in their own car and driving 4 miles to the closest public restrooms (i.e. Nicksville gas station and restaurants).
7. Birders prefer viewing birds early in the morning and at sunset, but is this compatible with a residential area where 9AM-5PM might be a period that causes the least amount of disturbance? Having birders arrive at 5:30AM or 6:30AM is not acceptable for a residential setting.

8. If a special use permit under zoning regulation 607.31 were to be considered, what is the life time for such a permit? Is the permit required to be renewed on a given schedule or is the permit permanent and grandfathered into the property? If the latter is true this enhances the sell ability of the property relative to cash flow but it also potentially reduces the desirability of surrounding property.
9. There are many public areas for bird watching throughout the Coronado Memorial, The San Pedro House, Ramsey Canyon Preserve and the Coronado National Forest. These areas have been set aside for the public to use freely with adequate parking, toilet facilities (in most cases) and well maintained roads for their class. These are the areas that the public should be encourage to use and residential areas with acreage requirements for parcels of land should be kept residential and not infringed upon by commercial activities.

Respectfully,



Arthur V. Douglas, PhD.

5242 East Spring Road

Hereford, Arizona 85615

Parcel 104-21-020 9

# SPECIAL USE: Docket SU-11-01 (Ballator)

\_\_\_\_ YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

X NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: \_\_\_\_\_

SEE ATTACHED LETTER

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):

ARTHUR V. DOUGLAS

SIGNATURE(S):

Arthur V. Douglas

YOUR TAX PARCEL NUMBER: 104-21-000 9 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

5242 EAST SPRING ROAD, HEREFORD AZ  
85615

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

Email: kdennis@cochise.az.gov

Fax: (520) 432-9278

H

# SPECIAL USE: Docket SU-11-01 (Ballator)

COCHISE COUNTY

JAN 5 1 2011

YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLANNING

☒ NO, I DO NOT SUPPORT THIS REQUEST.

Please state your reasons:

Please see attached sheet

(Attach additional sheets, if necessary)

PRINT NAME(S):

DAVID E. PETERSON

(for E Peterson and other

SIGNATURE(S):

David E Peterson

family members)

representing the Peterson Trust

YOUR TAX PARCEL NUMBER:

104-21-025

(the eight-digit identification number found on the tax statement from the Assessor's Office)

170 Flynn Ct. Lake Lane, NC 28746

YOUR ADDRESS

5306 S. Turkey Track Rd, Hereford AZ 85645

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

RETURN TO: Keith Dennis

Cochise County Planning Department

1415 Melody Lane, Building E

Busbee AZ 85603

Kdennis@cochise.az.gov

for 520-432-9278  
[\*]  
H

Mr. Keith Dennis  
Planning Dept., Cochise County  
1410 Melody Lane, Bisbee, AZ 85603

Date: January 26, 2011

Subject: SPECIAL USE: Docket SU-11-01 (Mary Jo Ballator, Parcel 104-21-022)

Dear Mr. Dennis:

Below are the comments on the SPECIAL USE request from the Peterson Trust which owns the adjacent property at 5306 S. Turkey Track Rd, Parcel 104-21-025. We OPPOSE the request since we believe that protecting the residential environment in our area is critical and we want to ensure that our properties, roads and quality of life are not adversely affected by changes in use of adjacent properties. Specifically:

- 1) **Property Values.** We feel that the use of her property as a bed and breakfast has no significant impact on our property values, but that use of her property as a public access birding and viewing area will have a highly negative impact on the value of our property.
- 2) **Parking** The verbal parking permission which was given to Ms. Ballator several years ago has been revoked due to the increased use of our property for parking and turnaround by visitors to the Ballator property (and the increased liability risk inherent in that use). We intend to build a fence to prevent unauthorized use of the property.

As far as we know Ms Ballator has no plans for enlarging the parking area on her property to accommodate large numbers of visitors. If she is allowed to use the property as a bird viewing area for the general public she should be required to provide parking for those visitors inside her own property boundaries.

- 3) **Liability Insurance.** However even with "private property, no trespassing signage", or a fence, there is no guarantee that people won't wander onto the adjacent property. If Ms. Ballator is using this as a birding/viewing area, she must be required to have liability insurance to cover potential injuries in such instances.
- 4) **Public Rest Rooms.** Large numbers of visitors to the property will require providing rest rooms for their use. Since the nearest newest public rest rooms are in Hereford, will the county provide these facilities or would Ms. Ballator?
- 5) **Road Maintenance.** Our understanding is that the road leading past Wicks to the Trust property, and the Douglas and Ballator properties, is not a public right of way. An increase in car, truck and bus traffic would negatively impact the already narrow and rough road. Which raises the question of maintenance and dust control: is the county going to assume responsibility for maintaining the road as a public right of way when it is the bus and high volume car traffic causing damage? Or perhaps if Ms. Ballator is using her property as a birding area and charging people to use it, she should pay for maintenance?

We appreciate your time and consideration of our opinions.

EB Peterson, 1108 Second St. W., Lemmon SD 57638 and 5306 S. Turkey Track Rd, Hereford AZ 85615

Daryl and Jackie Peterson, 170 Flynn Court, Lake Lure NC 28746

Diane (Peterson) and Dale Aspengren, 2029 NW 20<sup>th</sup> Loop, Albany OR 97321

Greg and Cathy Peterson, 744 W. Via De Arboles, Queen Creek AZ 85242

  
Jan 26, 2011

H

# SPECIAL USE: Docket SU-11-01 (Ballator)

COCHISE COUNTY

JAN 31 2011

PLANNING

       YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  X   NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: \_\_\_\_\_

Residential Property should not be used to Support  
Commercial Enterprise.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S):

JAMES W CARNEY

MARGARET A. CARNEY

SIGNATURE(S):

James W Carney

Margaret A. Carney

YOUR TAX PARCEL NUMBER: 104-24-011-2 (the eight-digit identification number found on the tax statement from the Assessor's Office)

5505 E ASH CANYON ROAD

YOUR ADDRESS \_\_\_\_\_

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis

Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: kdennis@cochise.az.gov  
Fax: (520) 432-9278

H

# SPECIAL USE: Docket SU-11-01 (Ballator)

\_\_\_\_ YES, I SUPPORT THIS REQUEST

Please state your reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

Some years ago we voted to not  
allow "business" in our area - Now they want  
OK to bring bus loads of people out & charge \$5.00 per  
person! Parking? No parking on B & B area but  
using neighbors property to park. - Owners in North D  
& probably will be selling - Not a good idea to have  
buses etc parked on Area (property) to sell! - NO!

(Attach additional sheets, if necessary)

PRINT NAME(S):

Cleo Bodenhamer

Howard G. Bodenhamer

SIGNATURE(S):

Cleo Bodenhamer

Howard G. Bodenhamer

YOUR TAX PARCEL NUMBER:

10421016 004

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

9953 Deer Trail - Hevelard - AZ. 85615

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on January 31, 2011 if you wish the Commission to consider them before the meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

COCHISE COUNTY

JAN 24 2011

PLANNING

RETURN TO: Keith Dennis

Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603  
Email: kdennis@cochise.az.gov  
Fax: (520) 432-9278

H